

COPY

Practitioner's Docket No. MPI2000-535OMNI

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)**

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for a continuation-in-part (C-I-P) application.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC, DIAGNOSTIC, PREVENTIVE,
THERAPEUTIC, AND OTHER USES

SPECIFICATION IDENTIFICATION

The specification was filed on January 12, 2001, as Serial No. 09/759,130.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
UNDER 35 U.S.C. SECTION 120**

I hereby claim the benefit, under Title 35, United States Code, Section 120, of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that occurred between the filing date of the

prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. SECTION 120:				
U.S. APPLICATIONS		Status		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. 09/578,063	24 May 2000		X	
2. 09/333,159	14 June 1999		X	
3. 09/596,194	16 June 2000		X	
4. 09/342,364	29 June 1999		X	
5. 09/608,452	30 June 2000		X	
6. 09/393,996	10 Sept 1999		X	
7. 09/420,707	19 Oct 1999		X	
8. 09/602,871	23 June 2000		X	
9. 09/479,249	7 Jan 2000		X	
10. 09/559,497	27 April 2000		X	
PCT APPLICATION DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. APPLICATION NOS. ASSIGNED (IF ANY)		

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Scott A. Brown	32,724
Susan M. Perkins	36,405
Jean M. Silveri	39,030
George C. Jen	39,239
Theodore Allen	41,578
Jill E. Uhl	43,213
Kerri Pollard Schray	47,066

SEND CORRESPONDENCE TO

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DIRECT TELEPHONE CALLS TO:

Jean M. Silveri
617-679-7336

DIRECT FACSIMILE CORRESPONDENCE TO:

Jean M. Silveri
617-374-0074 or 617-551-8820

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)



Christopher C. Fraser

Inventor's signature x

Date 6/18/01

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Country of Citizenship Canada

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Inventor's signature _____

Date _____

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John D. Sharp

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Date _____

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Susan J. Kirst

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Date _____

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Paul S. Myers

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Date _____

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SIGNATURE(S)

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Date

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Date X June 19 2001

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Susan J. Kirst

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Date 10 July 2001

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Inventor's signature X *Charles Mackay*
Date June 25th 2001
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Andrew D.J. Goodearl

Inventor's signature 

Date  19 June 2001

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COPY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

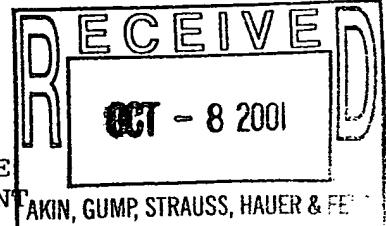
OCTOBER 02, 2001

PTAS

AKIN, GUMB, STRAUSS, HAUER, ET AL
GARY D. COLBY PH.D., J.D.
ONE COMMERCE SQUARE - 2005 MARKET STREET
SUITE 2200
PHILADELPHIA, PA 19103



101796063A



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/27/2001

REEL/FRAME: 012021/0274
NUMBER OF PAGES: 14

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS)

ASSIGNOR:
FRASER, CHRISTOPHER

DOC. DATE: 06/18/2001

ASSIGNOR:
BARNES THOMAS M

DOC. DATE: 06/19/2001

ASSIGNOR:
HOLTZMAN DOUGLAS A

DOC. DATE: 06/18/2001

ASSIGNOR: COOPERBELL ANDREW D. T.

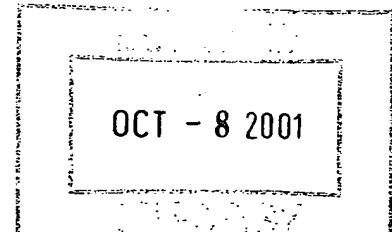
DOC. NAME : 06/12/2001

ASSIGNOR:
SHARP, JOHN D.

DOC. DATE: 06/20/2001

ASSIGNOR:
WRIGHTON, NICHOLAS

DOC. DATE 26/08/2001



ASSIGNOR: MACKAY, CHARLES R.	DOC DATE: 06/28/2001
ASSIGNOR: MYERS, PAUL S.	DOC DATE: 06/28/2001
ASSIGNOR: MCCARTHY, SEAN A.	DOC DATE: 07/02/2001
ASSIGNOR: KIRST, SUSAN J.	DOC DATE: 07/10/2001
ASSIGNEE: MILLENNIUM PHARMACEUTICALS, INC. 75 SIDNEY STREET CAMBRIDGE, MASSACHUSETTS 02139	
SERIAL NUMBER: 09759130	FILING DATE: 01/12/2000
PATENT NUMBER:	ISSUE DATE:

SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

02-2001

FORM PTO-1595 (Modified)
1-31-92U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office101796063
PATENTS ONLYAttorney Docket
No.: 10147-66US

To the Assistant Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): Christopher C. Fraser Thomas M. Barnes John D. Sharp Susan J. Kirst Paul S. Myers Kevin R. Leiby	2. Name and address of receiving party(ies): Douglas A. Holtzman Sean A. McCarthy Nicholas Wrighton Charles R. Mackay Andrew D.J. Goodearl
3. Nature of conveyance: [X] Assignment [] Merger [] Security Agreement [] Change of Name [] Other:	A Massachusetts Corporation JUL 27 2001
Execution Date: Christopher C. Fraser - 6/18/01; Thomas M. Barnes, Douglas A. Holtzman, Andrew D.J. Goodearl - 6/19/01; John D. Sharp, Kevin R. Leiby, Nicholas Wrighton - 6/20/01; Charles R. Mackay - 6/25/01; Paul S. Myers - 6/28/01; Sean A. McCarthy - 7/2/01; Susan J. Kirst - 7/10/01	

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s): 09/759,130 filed January 12, 2001	B. Patent No.(s):
Additional numbers attached? [] Yes [X] No	
5. Name and address of party to whom correspondence document should be mailed: GARY D. COLBY, Ph.D., J.D. AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P. One Commerce Square - 2005 Market Street - Suite 2200 Philadelphia, PA 19103 Telephone: (215) 965-1200 Direct Dial: (215) 965-1285 Facsimile: (215) 965-1210 E-Mail: gcolby@akingump.com	6. Total number of applications and patents involved: [1] 7. Total fee (37 C.F.R. 3.41) Cal. <u>1</u> x \$40.00 = <u>\$40.00</u> [X] Check enclosed [X] Authorized to charge to deposit account for any underpayment or to credit deposit account for any overpayment. 8. Deposit account number: <u>50-1017</u> (Billing No.: 210147.0066)

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

08/01/2001 GT0N11 00000107 09759130

01 FC:581

40.00 0P

Gary D. C. Iby, Ph.D., J.D.

Name of Person Signing

Signature

Reg. No. 40,961

Date

25 July 2001

Total number of pages including cover sheet, attachments and document: [14]

For: U.S. Rights
For: U.S. Application
By: Inventors

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS:

Christopher C. Fraser
~~52 Grassland Street~~ *Lake Street*, Unit
Lexington, MA 02421
Nationality: Canada

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Kevin R. Leiby
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Nationality: United States of America

hereby sell, assign and transfer to

ASSIGNEE:

MILLENNIUM PHARMACEUTICALS, INC.
75 Sidney Street
Cambridge, MA 02139
State of Incorporation: Delaware

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions and all foreign countries in and to inventions described in the patent application entitled:

**NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC, DIAGNOSTIC,
PREVENTIVE, THERAPEUTIC, AND OTHER USES**

and which is found in (37 C.F.R. section 3.21) U.S. application no. 09/759,130 filed on January 12, 2001 and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein.

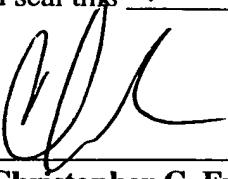
ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNORS further covenant for ourselves and our executors and administrators that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS, their executors and administrators and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof and to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements.

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN WITNESS WHEREOF, I have hereunto set hand and seal this 18th day of
June.

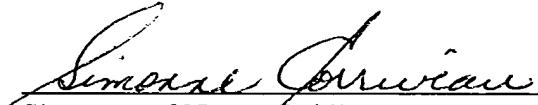
Date: X June 18, 2001


Signature of Christopher C. Fraser

NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts
County of Middlesex

Before me this 18th day of June 2001, personally appeared the above named **Christopher C. Fraser**, to me known to be the person described in, and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purpose therein expressed.


Signature of Notary Public
Simonne Corriveau
Print Name
My Commission expires: 9/1/2006

IN WITNESS WHEREOF, I have hereunto set hand and seal this 19th day
of June, 2001.

Date: June 19 2001

Thomas M Barnes
Signature of Thomas M. Barnes

NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts
County of Middlesex

Before me this 19th day of June 2001, personally appeared the above
named **Thomas M. Barnes**, to me known to be the persons described in, and who executed the
foregoing assignment instrument and acknowledged to me that he executed the same of his own
free will for the purpose therein expressed.

Simone Corriveau
Signature of Notary Public

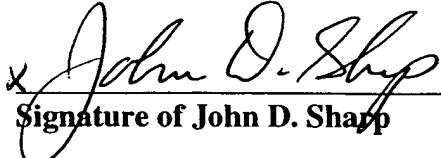
Simone Corriveau

Print Name

My Commission expires: 9/1/2006

IN WITNESS WHEREOF, I have hereunto set hand and seal this 20th day
of June, 2001.

Date: 6-20-01


John D. Sharp
Signature of John D. Sharp

NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts
County of Middlesex

Before me this 20th day of June 2001, personally appeared the above
named **John D. Sharp**, to me known to be the person described in, and who executed the
foregoing assignment instrument and acknowledged to me that he executed the same of his own
free will for the purpose therein expressed.


Simone Carriveau
Signature of Notary Public
Simone Carriveau
Print Name
My Commission expires: 9/1/2006

IN WITNESS WHEREOF, I have hereunto set hand and seal this 10 day
of July, 2001.

Date: 10 July 2001

Susan J. Kirst
Signature of Susan J. Kirst

NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts
County of Norfolk

Before me this 10 day of July 2001, personally appeared the above
named **Susan J. Kirst**, to me known to be the person described in, and who executed the
foregoing assignment instrument and acknowledged to me that she executed the same of her own
free will for the purpose therein expressed.

Allison A. Allin
Signature of Notary Public

Print Name LORINA ALLIN
My Commission expires: _____

LORINA G. ALLIN
NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 11, 2008

IN WITNESS WHEREOF, I have hereunto set hand and seal this 28th day
of June, 2001,

Date: x 6/28/01

x Paul Myers
Signature of Paul S. Myers

NOTARIZATION ACCOMPANYING ASSIGNMENT

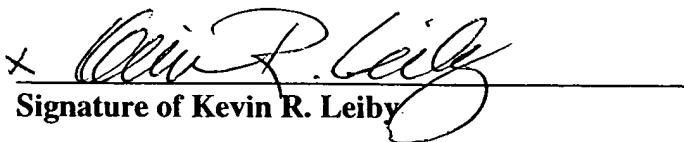
State/Commonwealth of Massachusetts
County of Norfolk

Before me this 28th day of June, 2001, personally appeared the above
named **Paul S. Myers**, to me known to be the person described in, and who executed the
foregoing assignment instrument and acknowledged to me that he executed the same of his own
free will for the purpose therein expressed.

Leesa M. Bergfors
Signature of Notary Public
Leesa M. Bergfors
Print Name
My Commission expires: 3/31/04

IN WITNESS WHEREOF, I have hereunto set hand and seal this 20th day
of June, 2001.

Date: 6-20-01


Signature of Kevin R. Leiby

NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts
County of Middlesex

Before me this 20th day of June 2001, personally appeared the above
named **Kevin R. Leiby**, to me known to be the person described in, and who executed the
foregoing assignment instrument and acknowledged to me that he executed the same of his own
free will for the purpose therein expressed.


Signature of Notary Public
Simone Corriveau
Print Name
My Commission expires: 9/1/2006

IN WITNESS WHEREOF, I have hereunto set hand and seal this 19th day
of June, 2001.

Date: x 6/19/01

Douglas A. Holtzman
Signature of Douglas A. Holtzman

NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts
County of Middlesex

Before me this 19th day of June 2001, personally appeared the above
named **Douglas A. Holtzman**, to me known to be the person described in, and who executed the
foregoing assignment instrument and acknowledged to me that he executed the same of his own
free will for the purpose therein expressed.

Sinonie Corriveau
Signature of Notary Public
Sinonie Corriveau
Print Name
My Commission expires: 9/1/2006

IN WITNESS WHEREOF, I have hereunto set hand and seal this 2nd day
of July, 2001.

Date: X 7/2/01

Sean McCarthy
Signature of Sean A. McCarthy

Steffy
Witness

4605 Campus Ave #3 San Diego CA 92116
Address

Jason Adams
Witness

4317 Maryland St. San Diego, CA 92103
Address

State/Commonwealth of Massachusetts
County of Middlesex

Before me this 1 day of July 2001, personally appeared the
above named Sean A. McCarthy, to me known to be the person described in, and
who executed the foregoing assignment instrument and acknowledged to me that
he executed the same of his own free will for the purpose therein expressed.

Signature of Notary Public

4/15/05
Print Name
My Commission expires 10/10/05

IN WITNESS WHEREOF, I have hereunto set hand and seal this 20th day
of June, 2001.

Date: 6/20/01

Nicholas Wrighton
Signature of Nicholas Wrighton

NOTARIZATION ACCOMPANYING ASSIGNMENT

State/Commonwealth of Massachusetts
County of Norfolk

Before me this 20th day of June, 2001, personally appeared the above
named **Nicholas Wrighton**, to me known to be the person described in, and who executed the
foregoing assignment instrument and acknowledged to me that he executed the same of his own
free will for the purpose therein expressed.

Lena M. Bergfors
Signature of Notary Public
Lena M. Bergfors
Print Name
My Commission expires: 3/31/06

IN WITNESS WHEREOF, I have hereunto set hand and seal this 25th day
of June, 2001.

Date: x June 25th 2001

x Charles Mackay
Signature of Charles R. Mackay

x Alison Sanders

Witness

x 11211 Bondi Rd Bondi NSW 2026
Address Australia

x Samantha L.
Witness OT

x 227/25 Best St. Lane Cove NSW 2066
Address

State/Commonwealth of Massachusetts
County of Middlesex

Before me this day of Tue 2001, personally appeared the above
named Charles R. Mackay, to me known to be the persons described in, and who
executed the foregoing assignment instrument and acknowledged to me that he executed
the same of his own free will for the purpose therein expressed.

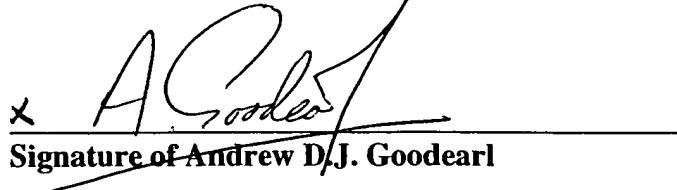
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Signature of Notary

Print Name
My Commission expires: _____

IN WITNESS WHEREOF, I have hereunto set hand and seal this 19th day
of JUNE, 2001.

Date: X 19 June 2001

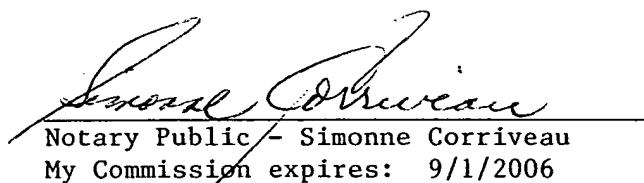

Andrew D.J. Goodearl
Signature of Andrew D.J. Goodearl

Witness Address

Witness Address

State/Commonwealth of Massachusetts
County of Middlesex

Before me this 19th day of June, 2001, personally appeared the above named ANDREW D.J. GOODEARL, ~~to ME KN0WN~~ to be the person described in, and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purpose therein expressed.



Notary Public - Simonne Corriveau
My Commission expires: 9/1/2006